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Serial No. 10/629,897

REMARKS

In accordance with the foregoing, claims 1-3, 25, 26 and 28 have been amended and claims 31 and 32 have been added. Claims 1-11, 25, 26, 28, 29, 31 and 32 are pending and under consideration.

Rejection under 35 U.S.C. § 101

Claims 1-3, 25, 26, 28, and 29 stand rejected as non-statutory subject matter under 35 U.S.C. § 101. Claim 1 as amended recites "outputting, as a list in which the first site is listed above the second site, a plurality of sites where the target gene is likely to be expressed." Independent claims 25 and 28 have been amended in a similar manner. The amended claims produce a result that is useful, tangible and concrete. Withdrawal of the rejection is respectfully requested.

Rejection under 35 U.S.C. § 112

Claims 1-3, 25, 26, 28 and 29 stand rejected under 35 U.S.C. § 112, second paragraph as omitting an essential step. Independent claims 1, 25 and 28 have been amended to further recite, "extracting, from a database, a first site where the first gene is expressed and a second site where the second gene is expressed." Support for the amendment may be found at page 14, lines 11-25. The amendment provides a further step in determining the expression site of a gene. Withdrawal of the rejection is respectfully requested.

Claims 1-3, 25, 26, 28 and 29 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite. Claim 1 has been amended to recite in a "method for supporting a user in predicting a site where a target gene on a genome is expressed, where the site is one of a cell, a tissue and an organ...." Independent claims 25 and 28 have been amended in a similar manner. Support for "supporting a user in predicting" may be found on page 15 lines 15-20. Support for "a cell, a tissue and an organ" may be found in Figs. 11-13. Withdrawal of the rejection is respectfully requested.

Claims 1-3, 25, 26, 28 and 29 stand rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the enablement requirement. As amended, claim 1 recites a "method for supporting a user in predicting." The amended claim is fully enabled by the specification in a manner such that one skilled in the art could practice the invention. Independent claims 25 and 28 amended in a similar manner. Withdrawal of the rejection is respectfully requested.

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OCT 11 2006**Rejection under 35 U.S.C. § 102**

Claims 1-3, 25, 26, 28 and 29 stand rejected under 35 U.S.C. § 102 as being anticipated by an article by Salgado et al. On page 7 of the Office Action, Examiner stated that Salgado et al. discloses "determining the functional class and transcription unit (expression site) from the distance (page 6655)." Claims 1, 25 and 28 have been amended to recite, "where the site is one of a cell, a tissue and an organ." Salgado et al. discusses using a "transcription unit" as the site to determine where a gene is expressed, rather than a cell, tissue or organ being the site used to determine where a gene is expressed as in the present claims. Withdrawal of the rejection is respectfully requested.

New Claims

Claims 31 and 32 have been added. Support for claim 31 can be found at page 15, line 1-10. Support for claim 32 can be found at page 15, line 21 through page 19 line 23. Salgado et al. does not teach or suggest the limitations recited in either claim. Therefore, claims 31 and 32 further patentably distinguish over Salgado et al. due to the additional limitations recited therein.

SUMMARY

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted via facsimile to: Commissioner for Patents,
P.O. Box 1450, Alexandria, VA 22313-1450
on Oct 11, 2006

STAAS & HALSEY By: Date: Oct 11, 2006